




# **Overview of the Revised CAFO Regulations**

**EPA Region 7  
December 19, 2002**



# Why did EPA revise the CAFO regulations?

- Address water quality problems
- Update the 25-year old regulations
- Improve CAFO Program Implementation
- Address a court order

# CAFO Rule – Guiding Principles

- Promote manure management practices
- Complement USDA efforts
- Emphasis on large: Foster effective voluntary efforts for AFOs
- Consistency with core NPDES
- Clarify





# CAFO Rule History

- CWA: CAFOs are point sources
- 1974/1976 CAFO regulations
- EPA/USDA Unified National Strategy for AFOs – 1999
- Revised Rule proposed – December 2000
  - 9 Public Meetings
  - Notices of Data Availability (2)
  - 13,000 public comments
- Revised Rule signed December 15, 2002



# Major Rule Elements

- All Large Operations Must Apply
  - *Dry Poultry Included*
  - *Permit “no discharge” exemption eliminated*
- Effluent Limitation Guideline (ELG)
  - *No Discharge*
  - *Land Application Requirements (Nitrogen and Phosphorus)*
  - *Alternative Performance Standards*
- Required:
  - *Nutrient Management Plan (by Dec. 2006)*
  - *Annual Report*





# Key definitions

## ■ Animal Feeding Operation

- *Confines animals for 45 days in 12 months*
- *Sustains no vegetation in confinement area*

## ■ Concentrated Animal Feeding Operation

- *Large*
- *Medium*
  - Stream running through confinement area
  - Man-made conveyance to surface water
- *Small (Designation)*
  - Same criteria as Medium
  - Significant contributor of pollutants
  - On-site inspection



# Large CAFO Thresholds

INDUSTRY THRESHOLDS	
Animal Type	Large CAFO
Dairy Cows	700
Veal Calves	1,000
Beef Cattle	1,000
Swine	2,500 (55 lb or more) 10,000 (< 55 lb)
Horses	500
Sheep or Lambs	10,000
Turkeys	55,000
Chickens, liquid manure	30,000
Chickens, other than a liquid manure system	125,000 (not laying hens) 82,000 (laying hens)
Ducks	30,000 (except liquid manure system) 5,000 (liquid manure system)

# Medium CAFOs Thresholds

INDUSTRY THRESHOLDS	
Animal Type	Medium CAFO
Dairy Cows	200 - 699
Veal Calves	300 - 999
Beef Cattle	300 - 999
Swine	750 - 2,499 (> 55 lb) 3,000 - 9,999 (< 55 lb)
Horses	150 - 499
Sheep or Lambs	3,000 - 9,999
Turkeys	16,500 - 54,999
Chickens, liquid manure	9,000 - 29,999
Chickens, other than a liquid manure system	37,500 - 124,999 (not laying hens) 25,000 - 81,999 (laying hens)
Ducks	10,000 - 29,999 (except liquid manure system) 1,500 - 4,999 (liquid manure system)





# Effluent Guideline Requirements

- **Existing** Large Beef, Dairy, Swine, Veal Calf, and Poultry CAFOs and **New** Beef and Dairy
  - *Production area BMPs and design requirements (No discharge except from facilities designed and operated properly (25yr-24hr) )*
  - *Land application area BMPs*
- **New** Large Swine, Veal Calf, and Poultry CAFOs
  - *Additional production area design requirements (100yr-24hr)*



# Other Final Rule Changes

- ELG specifies best management practices
  - *Field specific assessment for N and P transport*
  - *Manure and soil sampling*
  - *Setback/vegetative buffer alternative*
- Alternative Performance Standards
- State Technical Standards for Nutrient Management
- New permitting thresholds for immature swine, heifers, and some poultry operations
- Eliminates “animal units” and mixed animals calculation
- Manure transfer recordkeeping
- Annual report



# What proposals were not adopted?

- Mandatory co-permitting requirements
- Mandatory ground water requirements
- Required use of certified nutrient management planners
- Certification from persons receiving CAFO manure
- Land application timing restrictions



# Nutrient Management Plan Elements

- Adequate storage
- Mortality management
- Divert clean water
- Prevent direct contact
- Proper chemical handling
- Site-specific conservation practices
- Manure/soil testing
- Land application
- Records and documentation





# Annual Report Requirements

- Number/type of animals
- Amount of manure/wastewater generated
- Amount of manure/wastewater transferred
- Land application acres covered by nutrient management plan
- Land application acres used in previous 12 months
- Summary of production area discharges
- Nutrient management plan development/approval statement





# How many operations will be regulated?

- 15,500 CAFOs will require NPDES permits
  - *11,000 Large facilities*
  - *4,500 Medium facilities defined as CAFOs*
- A limited number of small facilities may be designated
- This captures 60 percent of all AFO manure



# State Flexibility

- Permitting Approach
  - *Individual, General, Watershed-based*
- State Technical Standards and Nutrient Management
- No potential to discharge determinations
- Flexibility to address medium and small operations
- Alternative Performance Standards



# What is the implementation schedule?

- Signature – 12/15/02, Publication date (TBD)
- Effective date – 60 days after publication
- ELG Production area requirements effective for existing large CAFOs – 120 days after publication
- State NPDES program revised – 1 year (2 years if legal authority change required)



# Implementation Schedule

Duty to Apply	
TYPE OF OPERATION	APPLICATION TIMES
Existing CAFOs	Ongoing duty to apply prior to and following
Newly regulated operations	As specified by the permitting authority, but no later than 3 years after
New dischargers	Within 90 days after the time the AFO meets the conditions of being defined a CAFO
New sources	180 days prior to the time the CAFO commences operation
Designated CAFOs	90 days after receiving notice of designation
Nutrient Management Plan Implementation	By December 31, 2006



# Implementation Next Steps

- Comprehensive National Implementation Plan
- Continue to partner with State Environmental Departments, USDA, and State Ag Agencies
- Support state implementation plans
- Update State NPDES Programs
- Issue NPDES Permits
  - *Nutrient Management Plans*
  - *Annual Reports*
- Measures of success/assess environmental results





# More information:

- CAFO regulations and outreach materials:  
[www.epa.gov/npdes/caforule](http://www.epa.gov/npdes/caforule)
- Compliance assistance:  
[www.epa.gov/agriculture](http://www.epa.gov/agriculture)
- USDA programs: [www.usda.gov](http://www.usda.gov)
- EPA Office of Wastewater Management:  
(202) 564-0766
- EPA Region 7 (800) 223-0425